

A Comparison of Federal Election Reform

	<div>The Senate Proposal</div> <div>“Martin Luther King Jr. Voting Rights Act of 2002”</div> <div>The text of S. 565 as passed and amended on to H.R. 3295</div> <div>Senators Dodd, McConnell, Schumer, Bond, and Torricelli</div> <div>As Passed April 11, 2002</div>	<div>H.R. 3295 “Help America Vote Act of 2001”</div> <div>Rep. Ney (R-OH) Rep. Hoyer (D-MD)</div> <div>As Referred to the Senate</div>
Mandates	<ul style="list-style-type: none">Jurisdictions are not required by this legislation to change voting systems or abandon absentee or mail-in voting. However, all voting systems must meet the following standards:<ul style="list-style-type: none">provide the voter the opportunity to verify and change or correct votes before the ballot is cast and counted;if the voter selects more than one candidate for a single office, the system must notify the voter before the ballot is cast and counted of the effect of over-voting and must provide the voter the opportunity to correct the ballot;<ul style="list-style-type: none">states or localities that use paper ballots, punch card ballots, or a central count voting system(including absentee or mail-in ballots) may meet these mandates by establishing a voter education program specific to its voting system, providing instructions on how to correct a ballot, and instructions on how to obtain a replacement ballot.produce a permanent paper record with a manual audit capacity, the system must allow the voter to change or correct an error before the permanent paper record is produced;provide the same access and participation for individuals with disabilities as for other voters;<ul style="list-style-type: none">this may be satisfied through the use of at least one Direct Recording Electronic voting system or other system equipped for individuals with disabilities at each polling location.provide alternative language accessibility if at least 5% of the total voting age citizens, or at least 10,000 voting age citizens who reside in the State or jurisdiction speak a language other than English as their first language; andthe error rate must not exceed the error rate standard established under the voting system standards to be adopted under this Act.Provisional ballots are mandated with the following provisions:<ul style="list-style-type: none">if a state or local election official determines that an individual who cast provisional ballot is eligible under state law the ballot shall count;	<ul style="list-style-type: none">The Secretary of State and a local election official from the State of Washington would serve on the Election Assistance Commission Standards Board. Duties of the board include reviewing and voting on any voluntary election standards and accreditation of independent testing authorities.The following standards must be implemented within 2 years of the enactment of this act, and the Attorney General of the United States may seek civil action against states for noncompliance. Changes in Washington would include:<ul style="list-style-type: none">a statewide voter registration database with provision for sharing data with every local jurisdiction as well as other states;laws requiring new voting systems to provide a practical and effective means for voters with physical disabilities to cast a secret ballot; andAny county that is purchasing entirely new equipment would be required to purchase precinct-based tabulating equipment. <u>States and counties should be aware that if they do not choose to participate in the buyout of punch cards, and they subsequently purchase a new voting system they will be required to purchase precinct based equipment and pay the entire cost.</u>States and localities must submit a report to the Election Assistance Commission on the number of absentee ballots transmitted to absent uniformed services voters, as well as the number returned by overseas voters, for each general election for federal office.

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Mandates	<ul style="list-style-type: none"> ○ an individual who casts a provisional ballot will be able to ascertain through a free access system whether the vote was counted and if it was not counted, the reason it was not counted, and; ○ any voter who cast a ballot after the time the polls close, according to state law, will only be able to cast a provisional ballot. • The appropriate state or local election official is required to post the following voting information at each polling place on Election Day(The Assistant Attorney General in charge of the Civil Rights Division shall establish guidelines to implement these requirements.): <ul style="list-style-type: none"> ○ a sample version of the ballot, the date of the election and the times the polls are open, instructions on how to vote (including a provisional ballot), instructions for first-time voters and those who registered by mail, and general information on voting rights, including information on how to contact the appropriate official if these rights have been violated. • The chief state election official must implement an interactive computerized statewide voter registration list that is accessible to each local election official. State election officials shall coordinate computer lists with other state agencies to gain access to felony and death records. <ul style="list-style-type: none"> ○ States and localities may request from the Commissioner of Social Security access to names, social security numbers, and deceased lists for updating voter registration files. • An individual who registers to vote by mail, and who in a state that does not have a computerized voter registration system must provide some form of identification to the election official before voting. Individuals covered by the Uniformed and Overseas Citizens Absentee Voting Act and the Voting Accessibility for the elderly and Handicapped Act are exempt from this provision. <ul style="list-style-type: none"> ○ An individual who can not provide the specified identification to the election official before voting either by mail or in person may cast a provisional ballot. ○ If state or local election officials check drivers license and social security numbers against voter registration records, individuals who provide either of these numbers are exempt from providing these additional identification requirements. 	
Permanent election administration entity	<ul style="list-style-type: none"> • Creates the Election Administration Commission: <ul style="list-style-type: none"> ○ four members appointed by the President with advice and consent of the Senate (members nominated by the majority and minority leaders of the House and Senate); and ○ term of office is six years, except for two of the initial appointees who will have 4-year terms. Individuals may serve only one term. 	<ul style="list-style-type: none"> • Creates permanent Election Assistance Commission (EAC). <ul style="list-style-type: none"> ○ Four members appointed by the President with advice and consent of the Senate (members nominated by the majority and minority leaders of the House and Senate). ○ Term of office is four years, except for two of the initial appointees who will serve 2-year terms.

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Permanent election administration entity	<ul style="list-style-type: none"> • Duties of the Commission: <ul style="list-style-type: none"> ○ serves as a clearinghouse for issues related to elections, ensures the provisions of NVRA are carried out, makes election information available to the public and the media, and establishes an Internet website to collect and disseminate election related information; ○ administers the voting system standards, provisional voting requirements, computerized statewide voter registration list requirements, Election Technology and Administration Grant Program, Election Reform Incentive Grant Program, and the Federal Election Accessibility Grant Program established under the Act; and ○ conducts periodic studies of the various aspects of election administration and technology and submits reports and recommendations to the President and Congress. <ul style="list-style-type: none"> ▪ Specifically the commission is directed to study the impact of the new requirement in this legislation on voters who register by mail, recounts, contests, standards that define what constitutes a vote, and the feasibility for providing voting material in multiple languages. ▪ The legislation also establishes a temporary Advisory Committee on Electronic Voting and the Electoral Process to study and report on the issues and challenges of using Internet Technology in the electoral process. • Powers of the Commission (each action of the Commission requires a majority vote of the Commissioners): <ul style="list-style-type: none"> ○ hold hearings; ○ adopts standards and guidelines for voting system standards, provisional voting, and computerized statewide voter registration lists; ○ approves or denies grant applications under the Act within 30 days of submission of the applications to the Commission; and ○ adopts policies and criteria for the approval of grant applications under this Act. 	<ul style="list-style-type: none"> • Powers of the Commission. <ul style="list-style-type: none"> ○ Develops voluntary election standards, including the following responsibilities: <ul style="list-style-type: none"> ▪ develop, adopt and update every four years the voluntary engineering and performance standards; ▪ maintain a clearinghouse; ▪ advise states on compliance with current federal election law; ▪ develop standards for accessibility in all aspects of voting; ▪ study election administration issues; ▪ develop election management standards to ensure the rights of military and overseas voters; ▪ carry out the provisions of Section 9 of NVRA; ▪ disseminate information on United States elections; and ▪ assist in vote counting. ○ Compiles certified results, including error rates and voter turnout. • Administers the Election Assistance Fund. • Administers the Help America Vote program.
Grant Programs	<ul style="list-style-type: none"> • This legislation has three specific grant programs: 1) Uniform and Nondiscriminatory Elections Technology and Administration Requirements Grant Program; 2) Federal Election Reform Incentive Grant Program; and 3) Federal Election Accessibility Grant Program. • Grants are also provided for Protection and Advocacy Systems under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 	<ul style="list-style-type: none"> • This legislation has four grant programs: 1) punch card replacement, 2) grants for research on voting technology improvements, 3) the Help America Vote Foundation and, 4) the Election Assistance Fund.

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Requirements for Grant Programs

- The Attorney General is required to establish policies and criteria for the approval of applications.
- Technology Grant Program
Each state must develop a “state plan,” in consultation with election officials, that provides:
 - 1) a description of how that state will use the funds to meet the requirements in the bill;
 - 2) an assessment of the susceptibility to fraud and a description of how the state intends to identify, deter, and investigate;
 - 3) assurances that the state will comply with existing federal voting rights laws; and
 - 4) a timetable for meeting the state plan.
 - The plan must be available for public review and comment before submission. Localities applying for funds need to describe how their plan is consistent with the state plan.
- Incentive Grants Program
The application must include:
 - 1) a description of activities;
 - 2) a request for certification that includes a detailed description of how the state or locality is in compliance with voting rights laws or how it intends to use funds to meet such requirements;
 - 3) assurances that the State or locality will pay the non-federal share; and
 - 4) other assurances as the Attorney General determines to be essential.
 - Certification from the Justice Department is required for a grant to be approved. States and localities receive safe harbor for any information contained in the application.
- Accessibility Grant Program
The application must include:
 - 1) a description of activities;
 - 2) assurance of payment of non-Federal Share; and
 - 3) other assurances as the Attorney General determines to be essential.
 - Applications may be made in conjunction with the Election Reform Incentive Grant Program.

- States receiving federal funds must provide eight certifications indicating the state:
 - 1) has authorized and appropriated matching funds of 25%;
 - 2) has set a benchmark for voting system performance;
 - 3) has adopted federal voting system standards *or* its own standards which ensure that at a minimum all equipment has the capacity to audit each ballot cast;
 - 4) has at least one voting system and/or machine in each polling place that is fully accessible to people with disabilities;
 - 5) has established a fund to administer the grant;
 - 6) is in compliance with federal voting rights laws;
 - 7) provides for voter education and poll worker training programs; and
 - 8) will not supplant existing programs with federal funds.

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Allocation of Funds	<ul style="list-style-type: none"> • The guidelines for allocation of funds must be established in time to ensure that applications can be approved not later than October 1, 2002. • The Attorney General may make retroactive payments for related costs incurred starting January 1, 2001. • With the Technology Grant program there are no matching requirements. The Attorney General pays “the cost of the activities described” in the application. • With the Incentive Grant program the federal share may not exceed 80% except as determined by the Attorney General. • With the Accessibility Grant program the federal share may not exceed 80% except as determined by the Attorney General. 	<ul style="list-style-type: none"> • States or units of local government may receive a per precinct matching rate at 90% or 95%, based on per capita income, and limited to \$6,000 per precinct where punch card voting is used. • States receive an “Election Fund Payment” determined by a formula based on population.
Funding	<ul style="list-style-type: none"> • \$3.5 billion total: <ul style="list-style-type: none"> ○ \$3 billion to meet the requirements established in the bill; ○ \$400 million for voting systems, to increase voter participation, to implement new procedures, to comply with federal voting rights laws, and other purposes; and ○ \$100 million to make polling places accessible. • \$40 million for Protection and Advocacy Systems under the Developmental Disabilities Assistance and Bill of Rights Act of 2000. 	<ul style="list-style-type: none"> • \$2.65 billion total: <ul style="list-style-type: none"> ○ \$2.25 billion over three years for a wide range of purposes; ○ \$20 million for research and development and \$10 million for pilot programs; ○ \$5 million for the Help America Vote College Program and \$5 million for the America Vote Foundation; and ○ \$400 million to replace punchcard voting machines.
Military Voters	<ul style="list-style-type: none"> • Prevents states from invalidating the ballots of absent uniformed and overseas voters solely on the grounds that the ballot lacked a notarized witness signature, an address, a postmark, or a signature comparison unless there is a lack of reasonable similarity of signatures. • A state may not refuse a valid voter registration application or absentee ballot application submitted by an absent uniformed service voter on the grounds that it is submitted too early. 	<ul style="list-style-type: none"> • A registration application must also serve as an application for absentee ballots.